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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ELIZABETH BILINSKI, GEORGE  
LATHOURAS, LISA CUBISINO,  
JACQUELINE PETRUZZELLI, ANTHONY  
PETRUZZELLI, ARTHUR CANARIO,  
GERALDINE BIEHL, JESUS RAMOS, and  
LUCAS SCHOORMANS,

Plaintiffs,

-against-

THE KEITH HARING FOUNDATION, INC.,  
THE KEITH HARING STUDIO LLC, THE  
ESTATE OF KEITH HARING, JULIA  
GRUEN, KRISTEN HARING, GILBERT  
VAZQUEZ, ALLEN HARING, TOM ECCLES,  
DAVID STARK, and JUDITH COX,

Defendants.

**1:14-cv-01085-DLC**

**DEFENDANTS' NOTICE OF  
MOTION TO DISMISS  
PLAINTIFFS' SECOND  
CONSOLIDATED AMENDED  
COMPLAINT**

TAMI STURM, MAXINE KOBLEY,  
STEPHEN KOBLEY, DIANNE DUNCAN,  
RANDY NICHOLS, INEZ STRYSICK,  
BEVERLY COSTELLO, BRENDAN  
COSTELLO, KHRISTOS KARASTATHIS,  
EVA KARASTATHIS, and GERI BERMAN,

Plaintiffs,

-against-

THE KEITH HARING FOUNDATION, INC.,  
THE KEITH HARING STUDIO LLC, THE  
ESTATE OF KEITH HARING, JULIA GRUEN,  
KRISTEN HARING, GILBERT VAZQUEZ,  
ALLEN HARING, TOM ECCLES, DAVID  
STARK, and JUDITH COX,

Defendants.

**1:14-cv-01582-DLC**

(Consolidated with  
1:14-cv-01085-DLC as  
per July 11, 2014 Order)

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of the Motion to Dismiss Plaintiffs' Second Consolidated Amended Complaint, the Affidavit of Matthew Barolo sworn to August 27, 2014 and exhibits thereto, the Declaration of Margaret A. Dale dated August 29, 2014 and exhibits thereto, and all prior pleadings and proceedings had herein, Defendants The Keith Haring Foundation, Inc., The Keith Haring Studio LLC, The Estate of Keith Haring, Julia Gruen, Kristen Haring, Gilbert Vazquez, Allen Haring, Tom Eccles, David Stark, and Judith Cox will respectfully move this Court before the Honorable Denise L. Cote, U.S.D.J., at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, NY 10007-1312, Courtroom 15B, at such time and place as the Court may direct, for an order pursuant to Federal Rule of Civil Procedure 12(b)(6), dismissing all claims with prejudice for failure to state a claim upon which relief can be granted.

As Ordered by the Court on August 11, 2014 (Dkt. No. 46), Plaintiffs' opposition shall be filed no later than September 12, 2014, and Defendants' reply shall be filed no later than September 19, 2014.

Dated: August 29, 2014

Respectfully submitted,

PROSKAUER ROSE LLP

By: /s/ Sarah S. Gold

Sarah S. Gold

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